

# **Livestock Facility Siting**

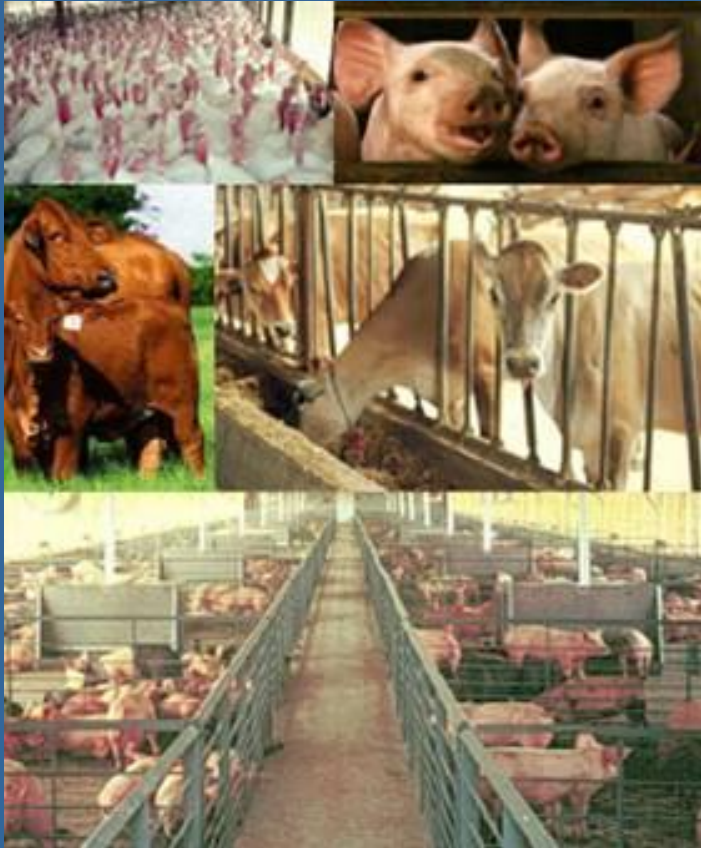
St. Croix County Board Meeting

Chris Clayton – Dept. of Agriculture,  
Trade and Consumer Protection

# Siting is a Local Program

- Local governments have a choice to regulate
- Siting permits are locally issued and enforced
- Local permits are based on uniform state standards and process
- Siting works through local planning and zoning
  - Local governments may use planning and zoning to manage land uses
  - Special rules for restricting livestock operations in agricultural zones
- Ensures effective oversight through a state review board

# Permit Thresholds



- Covers production agriculture: cattle, swine, poultry, sheep and goats
- Starts at 500 Animal Units
  - 357 milking cows
  - 1,250 pigs
  - 50,000 layers
- Provides special conditions for expansions

# Siting Standards

<b>Standard</b>	<b>Covered by CAFO permits</b>
<b>Setbacks for Structures</b>	<b>No</b>
<b>Odor Management</b>	<b>No</b>
<b>Waste and Nutrient Management</b>	<b>Yes</b>
<b>Waste Storage</b>	<b>Yes</b>
<b>Runoff Management</b>	
-- <b>Animal Lot</b>	<b>Yes</b>
-- <b>Feed Storage</b>	<b>Yes</b>

\*DNR CAFO permit may be used to meet some siting requirements

# Setbacks

- Property line and road setbacks
  - 100-200 foot maximums depending on size
  - 350 foot maximum for manure storage
- Water quality and well setbacks
  - \*Existing structures are grandfathered



Photo courtesy of USDA NRCS.

# Odor Management Standard



- Applies to new facilities over 500 AU and expanding facilities over 1,000 AU
- Uses a model to estimate odor from manure storage, housing and animal lots
- Credits odor control practices
- Addresses distance from neighbors and wind direction

# **Waste and Nutrient Management Standard**


- Accounts for the amount of waste generated and facility's storage capacity
- Accounts for the percentage of waste to be land applied and acres available for land application
- Land applications of waste must comply with NRCS 590 nutrient management standard
  - A qualified nutrient management planner must sign off on the nutrient management checklist



# Waste Storage Standard

- If new, meet design and construction standards
- If existing, certify no leaking or failing or abandon properly
- Certify capacity
- Signed by licensed engineer or practitioner

Am-3wr-11/04 Jan. 2005 Worksheet 4

 **Wisconsin Department of Agriculture, Trade & Consumer Protection**  
2811 Agriculture Drive, PO Box 8911, Madison WI 53708-8911  
Phone: (608) 224-4611 or 608-224-4610

### Waste Storage Facilities

**Instructions:** This worksheet must be signed by a registered professional engineer or certified agricultural engineering practitioner. This worksheet must identify every waste storage facility in the proposed livestock facility (including storage structures and transfer systems).

**New or Substantially Altered Facilities:** Design specifications for the following new or substantially altered waste storage facilities comply with NRCS Technical Guide Standards 313 (November 2004) and 634 (November 2004):

Identify each facility and attach design specifications for each facility

**Existing Facilities Retained:** The following waste storage facilities will continue in use without substantial alteration. Each facility meets one of the following:

☐ The facility (list each facility \_\_\_\_\_) was constructed of concrete or steel or both, was constructed within the last 10 years according to then-existing NRCS technical standards, and shows no apparent signs of structural failure or significant leakage.

☐ The facility (list each facility \_\_\_\_\_) was constructed within the last 3 years according to then-existing NRCS technical standards, and shows no apparent signs of structural failure or significant leakage.

☐ The facility (list each facility \_\_\_\_\_) was constructed NRCS technical standards that existed at the time of construction, is in good condition and repair and shows no apparent signs of structural failure or significant leakage.

☐ The facility (list each facility \_\_\_\_\_) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, and is located on a site at which the soils and separation distances to groundwater comply with NRCS technical guide manure storage facility standard 313, table 1 (November, 2004).

☐ The facility (list each facility \_\_\_\_\_) is in good condition and repair, shows no apparent signs of structural failure or significant leakage, is located entirely above ground, and is located on a site at which the soils comply with NRCS technical guide manure storage facility standard 313, table 5 (November, 2004).

**Storage To Be Abandoned:** The following waste storage facilities will be closed according to a closure plan that complies with NRCS Technical Guide Standard 360 (June 2001). Attach closure plan for each facility

**Total Storage Capacity:** The waste storage facilities in the proposed livestock facility have a combined useable storage capacity of **5,300,000** (cannot include required "freeboard" in useable capacity).

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Professional Engineer's Embossed Seal \_\_\_\_\_

Print Name of Engineer (include WI License No.) or Certified Practitioner \_\_\_\_\_

Signature of Engineer or Practitioner \_\_\_\_\_ Date \_\_\_\_\_

Name of Firm and Address \_\_\_\_\_



# Runoff Management Standard



- Animal Lots
  - Control runoff
- Feed Storage
  - $\geq 70\%$  moisture
  - Control runoff
- Incorporates nonpoint runoff standards and prohibitions

# More Stringent Local Standards



- Can implement if:
  - Adopted in ordinance
  - Based on scientifically defensible findings of fact
  - Justified by public health and safety

# Standardized Process

- Required state application
- Decision-making timeline
  - 45 days for completeness determination
  - 90 days for decision
  - Record of decision including approval or denial in writing
- \$1,000 maximum fee

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**Application for Local Approval**  
**New or Expanded Livestock Facility**

Wis. Statutes s. 93.90  
Wis. Adm. Code ch. ATCP 51

1. Legal Name of Applicant (Business Entity):

2. Type of Business Entity: check one

☐ Individual ☐ Corporation ☐ Partnership ☐ Cooperative ☐ LLC

☐ Trust ☐ Other Describe:

3. Other names, if any, under which applicant does business (list all):

4. Contact Individual: Name:

Phone: E-mail:

5. Business Address: Street Address:

City/Village/Town: County: State: Zip:

6. Principal Owners or Officers (list if applicant is an entity other than an individual):

Name:	Title:	Phone:
Address:	City:	State: Zip:
Name:	Title:	Phone:
Address:	City:	State: Zip:
Name:	Title:	Phone:
Address:	City:	State: Zip:

7. Description of Proposed Livestock Facility

Check one: ☐ New Livestock Facility ☐ Expanded Livestock Facility Premises ID:

Address of Proposed Livestock Facility:

City/Village/Town: County: State: Zip:

Town # Range # (E or W) Section # ¼ Section #

# Review of Permit Applications

- Local government must:
  - Record decision-making
  - Issue a written decision
  - Include findings of fact in the decision
- Local government may request documentation:
  - To substantiate answers on nutrient management checklist, in the application
  - To confirm the acreage available for manure spreading
- Approvals and denials are based on:
  - Meeting application requirements
  - Info on record showing compliance with standards

# Appeals Option: Livestock Facility Siting Review Board

- Alternative to the courts
- Access is limited to the applicant and those within 2 miles of facility
- Reviews local siting decision on grounds that it incorrectly applied state standards, based on evidence in the local record
  - E.g. Can review more stringent standards
- Seven member board: town, county, livestock farming and environmental interests; 3 at-large



# DATCP Contacts

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DATCP Website

[livestocksiting.wi.gov](http://livestocksiting.wi.gov)